

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SUSAN POWERS,

Plaintiff,

v.

1:22-CV-0502  
(ML)

MAMA'S BOY BURGERS, LLC, and  
MICHAEL KOEGEL,

Defendants.

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APPEARANCES:

ISAACS BERNSTEIN, P.C.  
Co-Counsel for Plaintiff  
2108 Yardley Road  
Yardley, Pennsylvania 19067

MARGARET McINTYRE, ATTORNEY AT LAW  
Co-Counsel for Plaintiff  
195 Montague Street, 14th Floor  
Brooklyn, New York 11201

GIRVIN & FERLAZZO, P.C.  
Counsel for Defendants  
20 Corporate Woods Boulevard  
Albany, New York 12211-2350

MIROSLAV LOVRIC, United States Magistrate Judge

OF COUNSEL:

JONATHAN A. BERNSTEIN, ESQ.

MARGARET E. McINTYRE, ESQ.

SCOTT P. QUESNEL, ESQ.

**DECISION and ORDER**

Upon consideration of the proposed Settlement Agreement (Dkt. No. 28, Attach. 1) settling the Fair Labor Standards Act, New York Labor Law, and retaliation claims in this case on behalf of Plaintiff Susan Powers, as well as Plaintiff's attorneys' billing records (Dkt. No. 28, Attach. 2), and Plaintiffs' attorneys' receipts for expenses incurred (Dkt. No. 28, Attach. 3), it is hereby

**ORDERED** that Plaintiff's Letter Motion (Dkt. No. 28) for approval of the settlement is **GRANTED**, and the parties' settlement is approved as a fair and reasonable resolution of a bona fide dispute regarding Plaintiff's claims for unpaid tips, failure to provide pay notices, and retaliation claims; and it is further

**ORDERED** this matter may be reopened if the settlement payment is not made within fourteen days from satisfaction of the last to occur of the following (1) the Court's issuance of an order approving the proposed Settlement Agreement, and (2) Plaintiff's delivery of executed and properly completed IRS forms W-4 and W-9; and it is further

**ORDERED** that the parties are directed to file a Stipulation of Discontinuance under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), signed by all parties by December 20, 2022.

**IT IS SO ORDERED.**

Date: December 6, 2022  
Binghamton, New York

  
Miroslav Lovric  
Miroslav Lovric  
U.S. Magistrate Judge